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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON,
Plaintiff,
v.
CITY OF OAKLAND, DEANNA
SANTANA,
Defendants.

Case No. 14-cv-02022 NC
VERDICT FORM

1 *The jury must unanimously agree on the answer for each of the following questions;*
2 *please put an “X” next to the jury’s unanimous answer for each question:*

3 **Claim 1: First Amendment**

4 **1. Did Preston prove by a preponderance of the evidence that she spoke on a**
5 **matter of public concern?**

6 Yes _____ No _____

7 *If you answered “Yes” to question 1, then answer question 2.*

8 *If you answered “No” to question 1, please skip to question 9.*

9 **2. Did Preston prove by a preponderance of the evidence that when Preston**
10 **spoke on a matter of public concern, she was acting as a private citizen (and**
11 **not as a public employee)?**

12 Yes _____ No _____

13 *If you answered “Yes” to question 2, then answer question 3.*

14 *If you answered “No” to question 2, please skip to question 9.*

15 **3. Did Preston prove by a preponderance of the evidence that her protected**
16 **speech was a substantial or motivating factor in her termination?**

17 Yes _____ No _____

18 *If you answered “Yes” to question 3, then answer question 4.*

19 *If you answered “No” to question 3, please skip to question 9.*

20 **4. Did Santana prove by a preponderance of the evidence that she had adequate**
21 **justification for treating Preston differently from other members of the general**
22 **public?**

23 Yes _____ No _____

24 *If you answered “Yes” to question 4, then answer question 5.*

25 *If you answered “No” to question 4, please skip to question 9.*

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5. Did Santana prove by a preponderance of the evidence that she would have terminated Preston even absent Preston's protected speech?

Yes _____ No _____

If you answered “Yes” to question 5, please skip to question 9.

If you answered “No” to question 5, then answer question 6.

6. Did Preston prove by a preponderance of the evidence that Santana's conduct was malicious, oppressive, or in reckless disregard of Preston's rights?

Yes _____ No _____

If you answered “Yes” to question 6, then answer question 7.

If you answered “No” to question 6, please skip to question 8.

7. What amount, if any, do you award to Preston as punitive damages against Santana?

\$ _____

8. What are Preston's damages against Santana?

a. Past economic loss \$ _____

b. Future economic loss \$ _____

c. Emotional distress damages \$ _____

d. Punitive damages (*same as #7*) \$ _____

TOTAL: \$

1 **Claim 2: California Labor Code**

2 **9. Did Preston prove by a preponderance of the evidence that she disclosed**
3 **and/or refused to participate in an act that she reasonably believed violated a**
4 **state or federal law?**

5 Yes _____ No _____

6 *If you answered "Yes" to question 9, then answer question 10.*

7 *If you answered "No" to question 9, please skip to bottom, answer no further*
8 *questions, and have the presiding juror sign and date this form.*

9 **10. Did Preston prove by a preponderance of the evidence that her disclosure**
10 **and/or refusal to participate in an act that she reasonably believed violated a**
11 **state or federal law was a substantial motivating reason for her termination?**

12 Yes _____ No _____

13 *If you answered "Yes" to question 10, then answer question 11.*

14 *If you answered "No" to question 10, please skip to bottom, answer no further*
15 *questions, and have the presiding juror sign and date this form.*

16 **11. Did the City of Oakland prove by a preponderance of the evidence that it**
17 **would have discharged Preston, for legitimate, independent reasons, absent her**
18 **disclosure and/or refusal to participate in an act she reasonably believed**
19 **violated state or federal law?**

20 Yes _____ No _____

21 *If you answered "Yes" to question 11, please skip to bottom, answer no further*
22 *questions, and have the presiding juror sign and date this form.*

23 *If you answered "No" to question 11, then answer question 12.*

12. What are Preston's damages against the City of Oakland?

a. Past economic loss \$ _____

b. Future economic loss \$ _____

c. Emotional distress damages \$ _____

TOTAL: \$

* * *

Signed: _____

Dated: _____

Presiding Juror

After this verdict form has been signed, notify the courtroom deputy that you are ready to present your verdict in the courtroom.